

175904

WHEN RECORDED MAIL TO:

CITY CLERK  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

Project: Variance Case VR-060-934  
5213 Bushnell Avenue  
Riverside, California

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

APR 28 1994

Recorded in Official Records  
of Riverside County, California  
Recorder  
Fees \$ 11

*DM*

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this *28<sup>th</sup>* day of *April*, 1994, by JAMES J. HERRMANN and BERNADETTE G. HERRMANN, as Trustees of the HERRMANN FAMILY REVOCABLE LIVING TRUST ("Declarants") with reference to the following facts:

*1/2*  
*SL*

A. Declarants are the fee owners of the following described real property ("the Property") situated in the City of Riverside, County of Riverside, State of California:

Lot 13 of Onwensia, as shown by map on file in Book 11 of Maps, at pages 98 and 99 thereof, records of Riverside County, California.

B. The Property, known as 5213 Bushnell Avenue, Riverside, California, is developed with a single-family residence and attached carport and garage. Declarants propose to construct an approximately 750 square foot detached garage that will encroach approximately 97-feet into the front half of the Property. The detached garage will include a restroom and a small, approximately 47 square-foot room; and two 10' x 8' steel door entrances and two standard door entrances.

C. Declarants have filed an application with the City of Riverside under Variance Case VR-060-934 for a variance for the encroachment of 97-feet into the 241-foot front half of the lot when accessory buildings are required to be located in the back half of the lot. Although Declarants intend to use the structure as a garage, the City of Riverside as a condition to the granting of the requested variance is requiring Declarants to execute and record a Covenant and Agreement which places certain restrictions on the Property to ensure the single-family residential use of the Property so that the accessory building will not be used for anything but for garage and storage purposes.

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DESCRIPTION APPROVAL *4/28/94*

for *K. D. Straut* by \_\_\_\_\_  
SURVEYOR, CITY OF RIVERSIDE

CA 422

NOW, THEREFORE, for the purposes of complying with a condition imposed by the City of Riverside in Variance Case VR-060-934, and restricting the use of the Property to single-family residential, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The single-family house and the accessory building shall be used as one dwelling unit, and neither the accessory building nor the existing house shall be sold, rented or leased separately from the other.

2. No kitchen shall be permitted, maintained or installed in the accessory building to be constructed pursuant to Case VR-060-934.

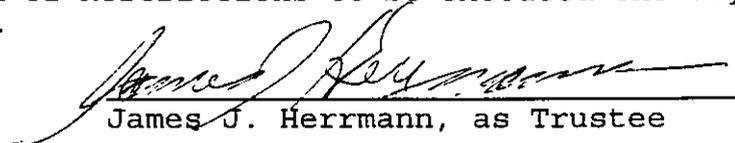
3. The accessory building to be constructed pursuant to Case VR-060-934 shall only be used for garage and storage purposes only and not as accessory living quarters or as a guest house.

4. Except as otherwise permitted by the provisions of Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.

5. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

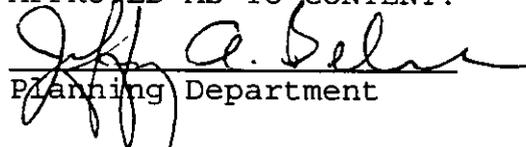
6. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California.

IN WITNESS WHEREOF Declarants have caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first written above.

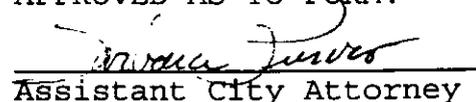
  
James J. Herrmann, as Trustee

  
Bernadette G. Herrmann, as Trustee

APPROVED AS TO CONTENT:

  
Planning Department

APPROVED AS TO FORM:

  
Assistant City Attorney

State of California )  
County of Riverside ) ss

On April 28, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared James J. Herrmann, and Bernadette A. Herrmann

~~personally known~~ to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Patricia A. Genical  
Signature

CAPACITY CLAIMED BY SIGNER

- Attorney-in-fact
- Corporate Officer(s)  
Title \_\_\_\_\_
- Guardian /Conservator
- Individual(s)
- Partner(s)  
     General       Limited
- Trustee(s)
- Other \_\_\_\_\_

The party(ies) executing this document is/are representing: